

**United States District Court
District of Massachusetts**

**Kevin Bell, Juan R. Estrada, David Franco,
Tommie O. Hart, Josh C. Haygood, Jason E.
Larrier, Howard Lockwood, Leonard Matos
Jr., Greg McCain, Pedro R. Mendez, Angel
Perez, Herminio Rivas Jr., Martin Santa,
Julio Toledo, Rafael Vega**

PLAINTIFFS

v.

IBPO, Local 364 and City of Springfield

DEFENDANTS

**CIVIL ACTION NO.
3:04-cv-30163-MAP**

**CITY OF SPRINGFIELD'S OPPOSITION
TO MOTION TO AMEND COMPLAINT; OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION; AND IN SUPPORT OF MOTION TO
STRIKE PROPOSED COMPLAINT**

The City of Springfield OPPOSES the plaintiffs' second motion to amend the complaint; OPPOSES the motion for preliminary injunction; and moves that the proposed amended complaint be stricken or dismissed.

As grounds therefore, defendant states that the proposed complaint does not set forth a clear and definite statement of facts to support a claim for liability; the plaintiffs have not shown a likelihood of success on the merits and have not met the requirements for a preliminary injunction; and have failed to set forth any proper claim for relief.

In support the defendant relies on the memorandum submitted herewith and the previously filed pleadings in this case.

Respectfully submitted

DEFENDANT CITY OF
SPRINGFIELD POLICE DEPARTMENT

BY:


Edward M. Pikula, Esq.
Associate City Solicitor
BBO#: 377990


Peter M. Murphy, Esq.
Associate City Solicitor
BBO#:

City of Springfield
36 Court Street
Springfield, MA 01103
(413) 787-6085 - Phone
(413) 787-6173 - Fax

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within Notice of Appeal was this day served upon Plaintiffs counsel of record by mailing copy of same, first class mail, to: Tammy Sharif and Holly Dawn Battige, Law Firm of Tammy Sharif , 1500 Main Street, Suite 270, Tower Square, Springfield, MA 01115 and 1242 Main Street, Ste. 314 Springfield, MA 01103, and Attorney Kevin Coyle, 935 Main Street, Springfield, MA 01103
SIGNED under the pains and penalties of perjury.

Dated: _____